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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,205	07/03/2001	Peter W. Wenzel	P1016 (12850RRUS02U)	2218

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EXAMINER

WAHBA, ANDREW W

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/898,205

Applicant(s)

WENZEL ET AL.

Examiner

Andrew W Wahba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/14/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because current drawing do not have descriptive labels. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 8, 9, 10, 11 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jakobsen et al, hereinafter "Jakobsen" (US Patent 6,374,108).

With regard to claim 1, Jakobsen discloses a radio communication system (radio network) that includes a base station 358 (serving computer) in cell 350 (first network) as illustrated in Figure 4 (column 4, lines 22-26). Jakobsen discloses a mobile station

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374 (mobile node / wireless communication link) that originates from cell 210 in which SWMI 200 acts as a home agent (column 5, lines 41-45). SWMI 300 (communication server computer), acting as a foreign agent in cell 350, receives a request from mobile station 374 that the cellular radio communication system assign to the mobile station the same static IP address (controlling the allocation of addresses / performing accounting functions) as previously outside of cell 350 (column 6, lines 4-10). SWMI 300 checks (control message transmission) with SWMI 200 whether the static IP requested by mobile station 374 has been assigned to another station (continuation of mobile node's communication session) (column 6, lines 14-18).

With regard to claim 7, Jakobsen discloses SWMI 300 in cell 350 is linked via connection 280 (coupled) to SWMI 200 in cell 210 as illustrated by Figure 4 (column 5, lines 66-67).

With regard to claim 8, SWMI 300 (communication server computer), acting as a foreign agent in cell 350, receives a request from mobile station 374 that the cellular radio communication system assign to the mobile station the static IP address previously outside of cell 350 (will not change mobile node's address) (column 6, lines 4-10).

With regard to claim 9, Jakobsen discloses a mobile station 374 that originates from cell 210 where SWMI 200 (first serving computer) acts as a home agent (column 5, lines 41-45). SWMI 300 (serving computer), acting as a foreign agent, receives a request from mobile station 374 that the cellular radio communication system assign to the mobile station the same static IP address as previously outside of cell 350

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(maintaining an address allocation) (column 6, lines 4-10). SWMI 300 checks with SWMI 200 (transmitting a request message / receiving the request message) whether the static IP requested by mobile station 374 has been assigned to another station (session continuation) (column 6, lines 14-18).

With regard to claims 10 and 11, SWMI 300 checks (continuation message / accounting message) with SWMI 200 whether the static IP requested by mobile station 374 has been assigned to another station (accounting functions) (column 6, lines 14-18).

With regard to claim 18, Jakobsen discloses a mobile station 374 that originates from cell 210 where SWMI 200 acts as a home agent (column 5, lines 41-45). SWMI 300, acting as a foreign agent, receives a request from mobile station 374 that the cellular radio communication system assign to the mobile station the same static IP address as previously outside of cell 350 (column 6, lines 4-10). SWMI 300 checks with SWMI 200 (receiving a continuation session message) whether the static IP requested by mobile station 374 has been assigned to another station (continuing accounting function mobile node address) (column 6, lines 14-18).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 12-17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobsen et al, hereinafter "Jakobsen" (US Patent 6,374,108) in view of Yoshida (US Patent 5,570,365).

With regard to claims 2, 12, and 19, Jakobsen does not expressly disclose a type field or type data element.

Yoshida discloses a typical format of packets used in a local area network in which the IP header includes a type-of-service (type field / type data element) (column 3, lines 37-40).

A person of ordinary skill in the art would have been motivated to employ Yoshida in Jakobsen so as to communicate control information contained in the packet header. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to obtain the invention as specified in claims 2, 12 and 19.

With regard to claims 3, 13 and 20, Yoshida discloses a total-length field (length field / length data element) (column 3, lines 37-40).

With regard to claims 4, 14 and 21, Yoshida discloses a version field (vender-type field / vender-type data element) (column 3, lines 37-40).

With regard to claims 5, 15 and 22, Yoshida discloses an identification field (data element / identifier data element) (column 3, lines 37-40).

With regard to claims 16, 17 and 23, SWMI 300 checks (session continuation attribute / accounting message) with SWMI 200 whether the static IP requested by mobile station 374 has been assigned to another station (column 6, lines 14-18).

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobsen et al, hereinafter "Jakobsen" (US Patent 6,374,108) in view of Tari et al, hereinafter "Tari" (US Patent 6,552,491).

Jakobsen does not expressly disclose that the serving computer is coupled to an Internet.

Tari discloses a terminal unit 5-1 connected to network 2 (Internet) via wireless server B 3-2 (serving computer) as illustrated by Figure 1 (column 3, lines 38-52).

A person of ordinary skill in the art would have been motivated to employ Tari in Jakobsen so as to communicate packet data such as e-mail to a wireless terminal. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to obtain the invention as specified in claim 6.

7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba  
Patent Examiner  
March 16, 2005



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600